

the President or the Senate. Since the rules were amended in 1981 to permit the Speaker to sign enrolled bills, whether or not the House is in session (H. Res. 5, 97th Cong.), the concept of an “informal rising” of the Committee of the Whole has also been used to permit the Speaker to lay enrolled bills before the House. See *House Rules and Manual* § 625 (1983).

### *Senate Practice*

#### **§ 15.19 In the Senate, an acting President pro tempore, designated in writing by the elected President pro tempore, signs enrolled bills.**

On June 20, 1963,<sup>(8)</sup> the legislative clerk of the Senate read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., June 20, 1963.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Birch Bayh, a Senator from the State of Indiana, to perform the duties of the Chair during my absence.

CARL HAYDEN,  
*President pro tempore.*

The acting President pro tempore, pursuant to the authority granted by Rule I, paragraph 3<sup>(9)</sup>

**8.** 109 CONG. REC. 11253, 88th Cong. 1st Sess.

**9.** Senate Rule I, paragraph 3 provides that “The President pro tempore

of the Senate rules, then signed three enrolled bills (H.R. 131, H.R. 3574, and H.J. Res. 180) which had been signed by the Speaker and messaged to the Senate.

## **§ 16. Recalling Bills From the President**

### ***Recall by Concurrent Resolution***

#### **§ 16.1 The House agreed to a concurrent resolution requesting the President to return an enrolled bill.**

On Feb. 5, 1932,<sup>(10)</sup> the House, by unanimous consent, considered and agreed to the following concurrent resolution (S. Con. Res. 13):

*Resolved by the Senate (the House of Representatives concurring), That the*

shall have the right to name in open Senate or, if absent, in writing, a Senator to perform the duties of the Chair, including the signing of duly enrolled bills and joint resolutions but such substitution shall not extend beyond an adjournment, except by unanimous consent; and the Senator so named shall have the right to name in open session, or, if absent, in writing, a Senator to perform the duties of the Chair, but not to extend beyond an adjournment, except by unanimous consent.”

**10.** 75 CONG. REC. 3449, 72d Cong. 1st Sess.

President of the United States be, and is hereby, requested to return to the Senate the enrolled bill (S. 2199) entitled "An Act exempting building and loan associations from being adjudged bankrupts."

### ***Recalling for Reenrollment***

**§ 16.2 The House agreed to a concurrent resolution requesting the President to return to the House an enrolled House joint resolution, rescinding the signatures of the two presiding officers and authorizing the Clerk of the House to reenroll it with corrections.**

On July 26, 1956,<sup>(11)</sup> the House, by unanimous consent, considered and agreed to the following concurrent resolution (H. Con. Res. 271):

*Resolved by the House of Representatives (the Senate concurring), That the President of the United States is requested to return to the House of Representatives the enrolled House joint resolution (H.J. Res. 511). . . . If and when said resolution is returned by the President, the action of the presiding officers of the two Houses in signing said resolution shall be deemed rescinded, and the Clerk of the House is*

authorized and directed, in the enrollment of said resolution, to make the following correction: On the last line of the enrolled resolution strike out "waived" and insert "reserved."

**§ 16.3 The House agreed to a concurrent resolution requesting the President to return an enrolled bill, rescinding the action of the Vice President and the Speaker in signing the bill, and directing the Secretary of the Senate in the reenrollment of the bill to make certain corrections.**

On Apr. 12, 1937,<sup>(12)</sup> the House, by unanimous consent, agreed to the following concurrent resolution (S. Con. Res. 8):

*Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby requested to return to the Senate the enrolled bill (S. 1455) . . . that if and when the said bill is returned by the President, the action of the Speaker of the House of Representatives and of the President pro tempore of the Senate in signing the said bill be deemed to be rescinded; and that the Secretary of the Senate be, and is hereby, authorized and directed, in the reenrollment of the said bill, to make the following correction, viz: In the language inserted by the engrossed*

**11.** 102 CONG. REC. 14770, 84th Cong. 2d Sess. The Senate acted on this resolution on July 26, 1956, 102 CONG. REC. 14648. The President returned the bill to the House on July 27, 1956, 102 CONG. REC. 15178.

**12.** 81 CONG. REC. 3397, 75th Cong. 1st Sess. The President returned this bill to the Senate on Apr. 15, 1937, 81 CONG. REC. 3497, 3498.

House amendment no. 4, on page 2, at the end of line 11 of the engrossed bill, strike out the word "lieutenant" and insert the words "lieutenant colonel."

**§ 16.4 The House agreed to a concurrent resolution requesting the President to return to the House an enrolled House bill, rescinding the signatures of the two presiding officers, and directing the Clerk to reenroll the bill to conform with a conference report adopted by the two Houses.**

On Sept. 4, 1962,<sup>(13)</sup> the House, by unanimous consent, considered and agreed to the following concurrent resolution (H. Con. Res. 519):

Resolved by the House of Representatives (the Senate concurring), That the President of the United States is requested to return to the House of Representatives the enrolled bill (H.R. 10062) to extend the application of certain laws to American Samoa. If and when said bill is returned by the President, the action of the presiding officer of the two Houses in signing in said bill shall be deemed rescinded; and the Clerk of the House is authorized and directed to reenroll said bill in accordance with the conference report therein adopted by the two Houses.

13. 108 CONG. REC. 18405, 87th Cong. 2d Sess. The Senate concurred in this resolution on Sept. 4, 1962, 108 CONG. REC. 18482. The President acceded to this request on Sept. 11, 1962, 108 CONG REC 19092.

***Recall and Postponement***

**§ 16.5 The House agreed to a concurrent resolution requesting the President to return an enrolled bill, rescinding the action of the two presiding officers in signing said bill, and postponing the bill indefinitely.**

On May 13, 1953,<sup>(14)</sup> the House considered and agreed to the following concurrent resolution (H. Con. Res. 99):

*Resolved by the House of Representatives (the Senate concurring), That the President of the United States is requested to return to the House the enrolled bill (H.R. 1101) for the relief of Daniel Robert Leary. If and when said bill is returned by the President, the action of the Presiding Officers of the two Houses in signing said bill shall be deemed rescinded, and the bill shall be postponed indefinitely.*

***Recall and Return to Senate***

**§ 16.6 The Senate considered and postponed indefinitely a concurrent resolution requesting the President to return to the House an enrolled joint resolution, and**

14. 99 CONG. REC. 4895, 83d Cong. 1st Sess. The Senate concurred in this resolution on May 14, 1953, 99 CONG. REC. 4915. The President returned the bill on May 19, 1953, 99 CONG. REC. 5139.

**requesting the House to return the joint resolution to the Senate.**

On Jan. 10, 1952,<sup>(15)</sup> the Vice president<sup>(16)</sup> laid before the Senate the following concurrent resolution (S. Con. Res. 53):

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to return to the House of Representatives the enrolled joint resolution (H. J. Res. 289) to terminate the state of war between the United States and the Government of Germany; that if and when returned the action of the Presiding Officers in signing the joint resolution be rescinded, and that the House be requested to return the engrossed joint resolution to the Senate.

Action on the concurrent resolution was indefinitely postponed.

***Message to Senate When Enrolled Bill Returned to House, Engrossment Transmitted to Senate***

**§ 16.7 The House transmitted to the Senate an engrossed bill, the enrolled bill having been returned to the House by the President pursuant to a Senate concurrent resolution.**

15. 98 CONG. REC. 71, 72, 82d Cong. 2d Sess.

16. Alben W. Barkley (Ky.).

On July 3, 1947,<sup>(17)</sup> the following message was recorded in the Record as having been received in the Senate from the House:

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, informed the Senate that the President of the United States having returned to the House of Representatives the enrolled bill (H.R. 493) to amend section 4 of the act entitled "An act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia," approved July 8, 1932 (sec. 22, 3204 D.C. Code, 1940 ed.), in compliance with the request contained in Senate Concurrent Resolution No. 22; and returned the engrossed copy of said bill to the Senate.

**§ 16.8 The President returned to the Senate an enrolled bill pursuant to a request contained in a concurrent resolution adopted by the two Houses.**

On June 13, 1960,<sup>(18)</sup> the Vice President laid before the Senate

17. 93 CONG. REC. 8203, 80th Cong. 1st Sess. S. Con. Res. 22 was adopted by the Senate on June 30, 1947, 93 CONG. REC. 7876. The House concurred on July 1, 1947, 93 CONG. REC. 8012. Following a conference on the bill, the conference report was agreed to in the Senate on July 25, 1947, 93 CONG. REC. 10139, and in the House on July 26, 1947, 93 CONG. REC. 10494.

18. 106 CONG. REC. 12370, 12371, 86th Cong. 2d Sess. S. Con. Res. 109 was

the following message from the President of the United States:

*To the Senate of the United States:*

In compliance with the request contained in the resolution of the Senate (the House of Representatives concurring therein), I return herewith S. 1892 entitled "An Act to authorize Secretary of the Interior to construct, operate, and maintain the Norman project, Oklahoma, and for other purposes."

DWIGHT D. EISENHOWER,  
THE WHITE HOUSE,  
June 11, 1960.

**§ 16.9 The President returned to the House an enrolled bill pursuant to a request contained in a concurrent resolution passed by the two Houses.**

On July 3, 1947,<sup>(19)</sup> the Speaker<sup>(20)</sup> laid before the House the following message from the President of the United States:

*To the House of Representatives:*

In compliance with the request contained in the resolution of the Senate (the House of Representatives concurring therein), I return herewith H.R. 493, an act to amend section 4 of the act entitled "An act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia," approved July 8, 1932 (sec. 22, 3204 D.C. Code, 1940 ed.).

HARRY S. TRUMAN,  
THE WHITE HOUSE,  
July 3, 1947.

## C. VETO POWERS

### § 17. In General

The term "veto" is nowhere to be found in the Constitution. Rather, what is provided is a procedure, under article 1, section 7, whereby the President participates with the Congress in the enactment of laws. His power under article I to disapprove (veto) a bill presented to him was described by

adopted by the Senate on June 6, 1960, 106 CONG. REC. 11905, and concurred in by the House on June 7, 1960, 106 CONG. REC. 12009.

Alexander Hamilton as a "qualified negative" designed to provide a defense for the executive against the Congress and "to increase the chances in favour of the community against the passing of bad laws, through haste, inadvertence, or design."<sup>(1)</sup>

Article I, section 7, paragraph 2 of the Constitution provides:

**19.** 93 CONG. REC. 8260, 80th Cong. 1st Sess. See also § 16.7, *supra*.

**20.** Joseph W. Martin, Jr. (Mass.).

**1.** Alexander Hamilton, *The Federalist*, No. 73.